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UNITED STATES DISTRICT COURT

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NORTHERN DISTRICT OF CALIFORNIA

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OAKLAND DIVISION

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J. DOE 1 and J. DOE 2, individually and on behalf of all others similarly situated,

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Plaintiffs,

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v.

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GITHUB, INC., a Delaware corporation;
MICROSOFT CORPORATION, a Washington
corporation; OPENAI, INC., a Delaware nonprofit
corporation; OPENAI, L.P., a Delaware limited
partnership; OPENAI GP, L.L.C., a Delaware
limited liability company; OPENAI STARTUP
FUND GP I, L.L.C., a Delaware limited liability
company; OPENAI STARTUP FUND I, L.P., a
Delaware limited partnership; OPENAI
STARTUP FUND MANAGEMENT, LLC, a
Delaware limited liability company,

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Defendants.

Case No. 4:22-cv-06823-JST
　　　　 4:22-cv-07074-JST

Hon. Jon S. Tigar

CLASS ACTION

**[PROPOSED] ORDER GRANTING
DEFENDANTS OPENAI, INC.,
OPENAI, L.P., OPENAI OPCO,
L.L.C., OPENAI GP, L.L.C.,
OPENAI STARTUP FUND GP I,
L.L.C., OPENAI STARTUP FUND
I, L.P. AND OPENAI STARTUP
FUND MANAGEMENT, LLC'S
MOTION TO DISMISS FIRST
AMENDED COMPLAINT**

Date:　　　September 14, 2023
Time:　　　2:00 p.m.
Courtroom: 6

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1   Having considered the papers submitted and arguments presented in support of and in

2 opposition to Defendants OpenAI, Inc., OpenAI, L.P., OpenAI OpCo, L.L.C., OpenAI GP,

3 L.L.C., OpenAI Startup Fund GP I, L.L.C., OpenAI Startup Fund I, L.P., and OpenAI Startup

4 Fund Management, LLC's (hereinafter "OpenAI") Motion to Dismiss, the Court finds that

5 Plaintiffs' First Amended Complaint fails to state a claim against OpenAI for violations of the

6 DMCA, intentional interference with prospective economic relations, negligent interference with

7 prospective economic relations, unjust enrichment, unfair competition, and negligence. The

8 Court hereby GRANTS OpenAI's Motion to Dismiss and dismisses those claims with prejudice.

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11   **IT IS SO ORDERED.**

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13 Dated: _____

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16   Honorable Jon S. Tigar
                                                   United States District Court Judge

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